IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 2093 of 2005

Between:

Sd. Asgar Ali, S/o. MUzafer Ali,
E.67252, R/o. IZM, Moula-ali, Housing Complex,

Batool Bagh,
Moula-ali, Ranga Reddy District.

..... PETITIONER

AND

1 The Hon'ble Industrial Tribunal-cum-Additional Labour

Court, Hyderabad, rep by its Presiding Officer
2 The Assistant Traffic Manager, APSRTC, Baghayanagar

Region, Picket, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ order or direction more particularly one in the nature of Writ of Certiorari and after calling for the records in I.D.No. 285/1992 dt. 28-4-1997 on the file of the Hon'ble 1st respondent in not granting attendant benefits, back wages and imposing a punishment of deferment of two annual increments without cumulative effect to the petitioner is illegal arbitrary and unjust, and consequently quash the award I.D.No. 285/1992 dt. 28-4-1997 by granting attendant benefits, back wages and increments to the petitioner and pass such other order or orders as this Hon'ble court may deems fit and proper under the circumstances of the case.

Counsel for the Petitioner: MR.G.RAVI MOHAN

Counsel for Respondent No.1: GP FOR LABOUR

Counsel for Respondent No.2:MR.V.T.M.PRASAD

The Court at the admission stage made the following :

ORDER:

This writ petition is filed challenging the award passed by the Additional Industrial Tribunal-cum-Additional Labour Court, Hyderabad, in I.D.No285 of 1992, dated 28-04-1997.

Heard the learned counsel for the petitioner and the learned Government Pleader for Labour.

Firstly, the writ petition deserves to be dismissed on the ground that the petitioner filed the writ petition after a lapse of eight years. No reason, much less, a convincing reason is assigned for the delay of eight years. Further more, on merits also, the writ petition is liable to be dismissed on the ground that the present writ petition is filed for back wages. A categorical finding has been recorded by the Tribunal, which reads as under:

> "there is a clear lapse on the part of the petitioner in reporting to duty nearly for a period of nearly 2 years."

Such a finding cannot be recorded without any evidence. Learned counsel did not dispute the above finding recorded by the Tribunal. When the petitioner himself absented from duty, he cannot claim back wages. Therefore, the order under challenge does not suffer from legal infirmities so as to call for interference of this Court.

The Writ petition is devoid of merits and is accordingly dismissed at the stage of admission. There shall be no order as to costs.

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21-02-2005

vs/usd

To

1 The Presiding Officer, Hon'ble Industrial Tribunal-cum-

Additional Labour Court, Hyderabad.
2 The Assistant Traffic Manager, APSRTC, Baghayanagar

Region, Picket, Hyderabad.

3 Two CCs to the G.P for Labour, High Court of A.P.,

Hyderabad(O.U.T).

4 2 CD copies

THE HON'BLE MR JUSTICE K.C. BHANU

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WRIT PETITION NO : 2093 of 2005

Dated: 21-02-2005

vs